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August 13, 2015

VIA ECF

Honorable Raymond J. Dearie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Vitaly Korchevsky
15 Cr. 381 (RJD)

Dear Judge Dearie:

I have been retained to represent Mr. Korchevsky in light the government's indictment now pending before you. As you may know, Mr. Korchevsky was arrested in his home in Pennsylvania on Tuesday, August 11th, and presented before Magistrate Linda K. Caracappa from the Eastern District of Pennsylvania (EDPA). After the government argued for detention, which most likely included input from the EDNY prosecutors, Magistrate Caracappa set bail at a \$100,000 unsecured bond, along with Mr. Korchevsky's signature. In the course of his release, the EDNY prosecutors moved for a Stay of Magistrate Caracappa's Order, which was granted by EDNY Judge Cogan. In light of the Stay, your Honor subsequently imposed a temporary order of detention "pending further proceedings."

The crux of the government's motion to stay the bail order, is that Mr. Korchevsky a flight risk, given the amount of money allegedly involved in the instant securities fraud charges. This position, however, is unreasonable, unfair, and short-sighted. In the first place, Mr. Korchevsky has been married for 25 years and has two young children - ages 13 and 8 – who all live in Pennsylvania. Further, Mr. Korchevsky is a hard-working, well-respected Slavic Baptist pastor in Pennsylvania. For over 30 years, Mr. Korchevsky has dedicated his life to the Baptist religion and to spreading its word throughout his local community and the world. Incidentally, any of Mr. Korchevsky's previous trips internationally, used to support the government's argument for risk of flight, were documented missionary trips in line with his role as chairman of the Association of Slavic Baptist Churches – an organization comprised of 28 churches and 4000 members throughout the world.

By all accounts, his congregants adore, trust, and continue to support him. Letters are beginning to pour in from far and wide reinforcing Mr. Korchevsky's good character and solid community foundation. To give your Honor a flavor of Mr. Korchevsky's reputation in the community, attached are three letters from prominent church members. It is expected that many more letters will arrive in the near future, and will be provided to the Court upon receipt. These letters do not depict an individual who would disregard a court order and fail to return when ordered to do so. Plainly, Mr. Korchevsky has great reason to remain nearby, to be with his family, continue his long-standing role as pastor, and to fully comply with all bail conditions that are set.

Mr. Korchevsky is simply not a flight risk. Suffice to say that the EDPA Magistrate Caracappa, who released Mr. Korchevsky, after hearing the government's argument, evidently agreed with that assessment.

In anticipation of an upcoming bail hearing, Mr. Korchevsky proposes the following bail proposal for your Honor's approval: (1) 1million dollar bond secured by a property in Glen Mills, Pennsylvania with approximately \$320,000.00 in equity, \$250.000.00 cash, and at least 10 FRP co-signors; (2) submission of passport; and (3) travel restriction to EDPA and EDNY. The Court should bear in mind, as evident from the indictment, that the government has encumbered all of Mr. Korchevsky's properties, cash and assets. It is doubtful, therefore, that Mr. Korchevsky could realistically be a flight risk that would warrant their detention request. The government cannot have it both ways.

Mr. Korchevsky is presently in custody in Pennsylvania. He intends to stipulate to the question of identity and stand ready for removal to the EDNY. It is therefore respectfully requested that your Honor schedule a bail hearing at the earliest possible moment once he arrives.

Thank you for your attention and consideration.

Respectfully submitted,

Sullivan & Brill, LLP



By: Steven Brill

cc: AUSA Christopher Allen Ott, *Via ECF/Email*
Robert Levant, Esquire, *Via Email*